

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JAMES SPRINGER,**

**Plaintiff,**

**v.**

**Civil Action No. 1:23-cv-00499-MIS-JMR**

**SEVENTH JUDICIAL DISTRICT COURT,  
MERCEDES MURPHY,  
SHANNON MURDOCK-POFF, JASON JONES,  
and SUSAN ROSSIGNOL,**

**Defendants.**

***OPPOSED MOTION FOR STAY AND INJUNCTION PENDING APPEAL***

COMES NOW, Plaintiff, through undersigned counsel, with his request for this Court to issue a stay of the proceedings before the Court and injunction barring that the Defendants may take no action to prevent Plaintiff's free exercise of his rights to speech, press and to petition his government for redress during the pendency of the appeal:

1. Out of an abundance of caution pursuant to Rule 8 Fed. R. App. P. Plaintiff respectfully requests that this Court issue an injunction pending an appeal of this Court's order denying the request for preliminary injunction requested the same relief. ECF. Doc. Nos. 38.
2. Plaintiff respectfully offers that this case plainly satisfies Rule 8(a)'s "impracticable" exception, as it will likely be futile to ask this Court for the same relief the Court has just denied to them in rejecting their injunction motion. *See In re Flint Water Cases*, 960 F.3d 820, 825 (6th Cir. 2020), *Planned Parenthood of Greater Tex. Surgical Health Servs. v. Abbott*, 734 F.3d 406, 410–11 (5th Cir. 2013), and *Homas v. City of Albuquerque*, 264 F.3d 1240, 1243 (10th Cir. 2001)).

3. For further explanation in support of the instant Motion, Plaintiff offers that Court made did not find that no irreparable harm was impacting Plaintiff only that Plaintiff had insufficiently pleaded or briefed his likelihood of success on the merits despite no evidence being produced by Defendants to support their allegations.
4. The district court rendered its decision without oral argument and without an evidentiary hearing.
5. The Plaintiff further requests this honorable Court stay its proceeding during the pendency of the interlocutory appeal or any applications for injunctive relief to the Supreme Court of the United States.

WHEREFORE, Plaintiffs respectfully request that Court issue an injunction pending appeal that bars the Defendants from enforcing any order or taking any action which infringes upon Plaintiff's free exercise of rights protected by the First Amendment in the Seventh Judicial District Court's facilities as long as he complies with all applicable rules.

Respectfully submitted,

WESTERN AGRICULTURE, RESOURCE  
AND BUSINESS ADVOCATES, LLP

/s/ A. Blair Dunn

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2023, I filed the foregoing via the CM/ECF causing all parties of record to be served electronically.

/s/ A. Blair Dunn  
A. Blair Dunn, Esq.